



**TOWN OF DAVIDSON
HISTORIC PRESERVATION COMMISSION
7:00PM Board Room in Town Hall at 216 S Main St, Davidson, NC**

April 17, 2019

-
- I. CALL TO ORDER**
 - II. SILENT ROLL CALL**
 - III. CHANGES TO THE AGENDA**
 - IV. REVIEW/APPROVAL OF THE MINUTES**
 - (a) Minutes 2019 March 27
 - V. NEW BUSINESS**
 - (a) Davidson Wine Co. Signage and Lighting
 - VI. OTHER ITEMS**
 - (a) Certified Local Government Discussion
 - VII. ADJOURN**



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Minutes 2019 March 27	4/11/2019	Exhibit

Meeting Minutes

Historic Preservation Commission

Town of Davidson, NC
March 27, 2019

A regular meeting of the Town of Davidson *Historic Preservation Commission* was held in the Town Hall, Administration Conference Room, 216 S. Main St.

Call to Order: 7:26 p.m.

Silent Roll Call and Determination of Quorum:

Members Present signified by :

<input checked="" type="checkbox"/> Bruce Barteldt, Chair	<input checked="" type="checkbox"/> Brian Bumann	<input type="checkbox"/> Jeff Osman
<input checked="" type="checkbox"/> Tom Goodwin	<input checked="" type="checkbox"/> Bob Sipp	
<input checked="" type="checkbox"/> Mike Kessler	<input checked="" type="checkbox"/> EB Dyer	
<input checked="" type="checkbox"/> John Burgess	<input checked="" type="checkbox"/> Lorraine Degree	

Town Staff Present: Lindsay Laird (Planner)

Changes to the Agenda: John Burgess requested a change to the agenda to discuss the Cornelius roundabout project affecting South Main Street in Davidson (DOT Project #U-5873). This item was included under Other Items after the Certified Local Government model ordinance discussion.

Review/Approval of the Minutes:

A motion was made (TG) to approve the meeting minutes of February 5, 2019 and February 20, 2019 as submitted. It was seconded (JB) and approved unanimously.

Consent Item: None.

Old Business: None.

New Business:

1. Davidson Library Handrail COA

Located at 119 South Main Street
College Campus Planning Area

A motion was made (TG) for Mike Kessler to be recused from the meeting. The motion was seconded (LD) and approved unanimously.

Lindsay Laird gave an overview of the project, noting that the proposal includes iron railings along the stairs at the entrance to the Davidson Library on the front of the building facing the Village Green. Mike clarified that railings will be added to one side of each staircase and will match existing railings in the vicinity.

After discussion, a motion was made (BS) to approve the application as submitted. The motion was seconded (BBumann) and approved unanimously.

A motion was made (EB) for Mike Kessler to rejoin the meeting. The motion was seconded (TG) and approved unanimously.

Other Items:

1. What's Next Historic Preservation Memo

Lindsay Laird gave a brief summary of the What's Next Historic Preservation Memo issued by the Town's comprehensive plan consultant Clarion. The purpose of the memo is to outline considerations for development of a historic preservation plan in the future. No further action was taken on this discussion item.

2. Certified Local Government Model Ordinance Discussion

The HPC continued discussion of the Certified Local Government draft model ordinance. The following next steps were also discussed:

- Review historic district signage identifying the local historic district and possibly the national register district.
- Discuss the model ordinance with the Board of Commissioners.
- Decide how landmarks should be handled in the future.
- Review the Davidson Planning Ordinance for possible revisions to Section 13 and Section 22 Historic District Guidelines.
- Discuss minor vs. major works list.
- Schedule meeting with Town Attorney.

No further action was taken on this discussion item.

3. Discussion of Cornelius Roundabout (DOT Project #U-5873)

This is a NCDOT transportation project (Project #U-5873). John Burgess, acting as a non-Commission member, gave a brief history of the NCDOT transportation project (#U-5873) in Cornelius which includes a roundabout and realignment of Hwy 115. John also discussed the project's impacts to properties in Davidson along South Main Street. The proposed project includes the realignment of Hwy 115 (i.e. South Main Street) in Davidson and includes a new 10' multi-use path along the south side of the roadway.

Lindsay Laird shared a draft resolution under review by the Board of Commissioners related to the project. The draft resolution proposes changes for consideration for the U-5873 project including:

- Revisit the roundabout design to ensure the design size and geometry makes for the least impact (e.g. right of way width, tree loss, etc.) on the properties along highway 115 in Davidson north of the railroad trestle.
- Reduce the width of the sidewalk to 5 feet along the front of the properties at 497, 511, and 523 South Main Street and reduce the right of way impacts accordingly.
- Consider additional landscaping and other aesthetic improvements on and around the retaining wall facing the Green School property.

A question was raised about the purview of the HPC over projects located outside of the local historic district. Further research is needed on purview of the HPC. A question was

also asked about the status of the local historic district expansion (i.e. windshield survey).

A motion was made (TG) for John to rejoin the meeting. The motion was seconded (EB) and approved unanimously.

No further action was taken on this discussion item.

Adjourn: A motion was made to adjourn (MK), seconded (BS), and approved unanimously. The meeting was adjourned at 9:03 p.m.

Approval of Minutes:

Date: _____ By: _____

Please note: This is a summary of the meeting and not to be considered a complete transcript.



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
▣ Davidson Wine Co. Signage & Lighting	4/11/2019	Exhibit

Town of Davidson, NC
Historic Preservation Commission: Staff Analysis
April 17, 2019

Project: Davidson Wine Co. Signage & Lighting
Location: 121 Depot Street
Applicant: Artisan Signs and Graphics (Jami Russo)
Designer: Artisan Signs and Graphics (signage)
Planning Area: Village Center (Local Historic District)

Davidson Wine Company proposes a new wall sign on the front facade at 121 Depot Street. This property went before the HPC in June of 2018 and received approval for a number of building alterations. The approval letter dated June 18, 2018 requires that **lighting** (horizontal band for wall signs; sconces) **and signage** on the front façade of the building return to the HPC for approval, along with any mullion removal in the transoms.

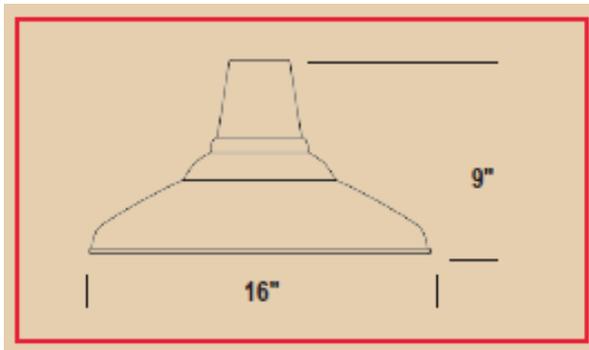
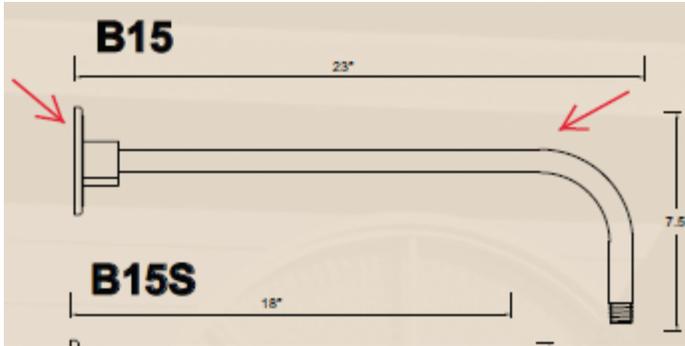
Wall Signage

The proposed wall sign will read “Davidson Wine Co.” The dimensions of the proposed sign will be 90.5” x 33” above the left side entrance and 80.6” x 35.6” above the right side entrance. The proposed wall sign meets size requirements in Section 11 of the Davidson Planning Ordinance. The sign material will be acrylic. Sign lettering will be at least 1.5 inches thick.

Lighting

Lighting is also proposed for the front of the building above wall signage. There will be six lights total, three on each side of the front of the building. Lighting will be painted bronze to match the color of sign lettering (see lighting detail below).





DAVIDSON PLANNING ORDINANCE:

Section 11.2.2.B

All signs proposed to be affixed to a structure in the Local Historic Overlay District must be approved by the Design Review Board to determine that the signage meets the provisions of this section and any historic district requirements.

Section 11.4.1.2 Wall Sign

A sign directly attached and parallel to a building façade or dependent upon a building for its support. Wall signs may consist of sign board, metal, or channel letters mounted directly on wall or via raceway, neon, or painted directly on brick.

1. Permitted Location

- *Building facades that face the right of way, pedestrian passageways, and/or parking associated with the establishment.*

2. Area & Dimensions

- *Maximum sign area per façade is five percent of the ground floor façade area on which the sign is located OR 24 square feet, whichever is greater. The Design Review Board must approve all signs greater than 24 square feet.*

3. Height

- *The top of a wall sign shall not exceed 18 feet above grade.*

4. Additional Requirements

- *Internally illuminated signs, including LED signs, are not permitted.*
- *Signs must either be a minimum of 1.5 inches thick or include a 1.5 to 2 inch border.*

HISTORIC DISTRICT GUIDELINES (DPO Section 22):

Signs (pages 54-55)

5. *Introduce new signs, if needed, in traditional locations where they do not diminish or compromise the overall historic character of the building, site, or district. Design new signs to be compatible in location, configuration, orientation, height, material, scale, and detail with the historic character of the building, site, and district.*

7. *Construct new signs in traditional materials, such as wood, stone, or metal, or apply lettering and graphics on display windows or awning fabric. It is not appropriate to introduce signage in contemporary materials such as plastics or to introduce internally lighted signage that is incompatible with the overall historic character of the district.*

Exterior Lighting (pages 58-59)

5. *If needed, introduce exterior lighting fixtures sensitively so that the overall character of the historic building, site, or district is not diminished. Select and install new fixtures so that the location, orientation, height, brightness, design, and material are compatible with the human scale and character of the historic district.*

T:\Planning_Shared_(Common)\04.BOARDS COMMISSIONS\Design Review\Agenda Packets\2019 DRB Agendas\20190417_DRB_HPC Agendas\HPC\1. Davidson Wine Co. Signage



June 18, 2018

Recah Harward
455 S Main St.
Davidson, NC 28036

RE: Davidson Wine Co. – Multiple Items

Congratulations on receiving Historic Preservation Commission approval at the June 18, 2018 meeting to make multiple changes at parcel 00325837. The application was approved for the following:

- Removal of pent roof; and
- Repainting of façade colors to Tricorn Black; and
- The four conduit locations; and
- Change of front doors - minus removal of the “center” transom mullion over the front doors; and
- Exposing transoms with inclusion of ¼” round in mullions; and
- Change or rear door; and
- for staff to review HVAC (send back to HPC if it will be visible from public right-of-way).

Please note:

- Actual lighting (horizontal band for wall signs), sconces and wall signage to return for approval, along with any mullion removal in the transoms.
- Any window and/or door signage will also need HPC review.

Please note, you have eighteen months from the date of the Design Review Board approval to obtain a sign permit. If no sign permit has been issued by the termination day of November 17, 2019, the HPC approval will be null and void. A one-year extension may be granted by the Planning Director, if such request is received within 30 days of the termination date.

Thank you for working with the Town of Davidson to create a project beneficial to the community, the building users, and the owner. Please contact me, if you have any questions.

Respectfully,



Bruce Barteldt,
Chair Design Review Board



Design Review

DAVIDSON WINE COMPANY

(Name of Project)

Sign - Application Requirements

Date Received

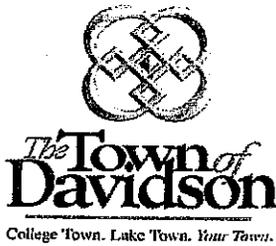
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- Application Fee per Town of Davidson Fee Schedule
- Contact Information
- Project Description
(including General Statement of Intent)
- Statement of Compliance with Section 9
- Any Approved Sign Plan or Conditional Planning Area for Signs
(including all renderings, plans, and conditions of approval)
- Site and Building Plan Indicating the Location of all Signs
- Color Photos
(including existing and adjacent sites and building(s) showing signage taken from the perspective of the public streets adjacent to the site)
- List of all Existing Signs with their Location and Dimensions
- Color Photo of Building(s) with Proposed Sign(s) Superimposed
- Landscape Schematic Design in accordance with Section 8.6
- Representative Materials and Colors
- Proposed Lighting Type and Location - *no lighting!*
- Statement of Compliance with Planning Ordinance Section 14

As the applicant, I hereby confirm that all the required materials for this application are authentic and have been submitted to the Town of Davidson Planning Department.

Jeani R...
 Applicant's Signature

3/27/19
 Date



Design Review

DAVIDSON WINE COMPANY

(Name of Project)

Contact Information

Applicant's Information

Name: JAMI RUSSO

E-Mail: JRUSSO@ARTISANSIGNSANDGRAPHICS.COM

Mailing Address: 18335 Old Statesville Rd, Suite "L"
CORNELIUS, NC 28031

Business Phone: (704)-655-9100 Mobile Phone: _____

Property Owner's Information

(If Different from Applicant)

Name: Lindsey Williams

E-Mail: lindseywilliams@hotmail.com

Mailing Address: 121 Depot St., Davidson, NC 28036

Business Phone: (980) 689-0424 Mobile Phone: _____

Architect's Information

Name of Firm: LaBella Associates

Architect's Name: MARCY PELUCIO

E-Mail: mpelucio@labellapc.com

Mailing Address: 400 S. Tryon St., Suite 1300
Charlotte, NC 28285

Business Phone: (704) 376-6423 Mobile Phone: (704) 941-2147



Design Review

DAVIDSON WINE COMPANY

(Name of Project)

Sign - Project Description

Application Date: 3/27/19

Project Location: 121 Depot Street, Davidson, NC 28036
(Indicate street frontage, nearest intersection, and address, if assigned)

Tax Parcel(s): _____

Planning Area: Village center

Planning Area Overlay District: Local Historic District Overlay

Master or Conditional Plan: _____
(Include any conditions of approval)

General Statement of Intent: Building name "Davidson Wine Co." placed on building and projecting flange sign with building's name and logo.

Project Details:

Project Type: individual sign multi-tenant building sign plan development

Sign Type: wall sign projecting sign hanging sign

freestanding sign canopy/awning sign window/door sign

building name sidewalk sign temporary sign

Other sign type: X

Dimensions: Building Name = 40.5" x 33", 80.6" x 35.6", Flange = 24" x 24"

Square Footage: Building Name = 20.74 ft², Flange = 4 ft²

Height from grade: _____

Sign materials: Acrylic, TBD

Lighting: - there is some lighting proofed out in documents but we are not continuing with these

Existing Signs, include signs to remain and signs to be removed: for the project. NO lighting on building.



Design Review

DAVIDSON WINE COMPANY

(Name of Project)

Sign - Development Process

Date Completed	
_____	<input type="checkbox"/> Initial Meeting
_____	<input type="checkbox"/> Application and Fee
_____	<input type="checkbox"/> Design Review Board Preliminary Review, if applicable
_____	<input type="checkbox"/> Planning Director Review for Compliance with Planning Ordinance
_____	<input type="checkbox"/> Design Review Board Approval
_____	<input type="checkbox"/> Sign Permit Approval



Davidson Wine Co.

90.5" x 33"

80.6" x 35.6"

Date	03/07/2019_R0
Designer	CW
Salesperson	JM
Sign Style:	Exterior Signage
Additional:	
Material	TBD
Trim	N/A
Face	N/A
Mounting	N/A
Colors	No PMS
<input type="checkbox"/> PMS <input type="checkbox"/> PMS <input type="checkbox"/> PMS <input type="checkbox"/> PMS	

Job Description
No further information

Installation method
Employee Install

Approval

Artisan signs&graphics
Creatively promoting your brand

18335 Old Statesville Rd.
Cornelius, NC 28031
704-655-9100
www.artisansignsandgraphics.com

Customer Davidson Wine Co	Filename \Retail\Davidson Wine Company\DGP_ExteriorSignage_DF	Revision 1
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The drawing and all designs herein are the sole property of Artisan Graphics and may not be reproduced, transferred, published or used in any way without prior written consent.



Monterey

EXTERIOR FRONT



PH16/63/BLC/UGR/63



SH16/58/B15/58

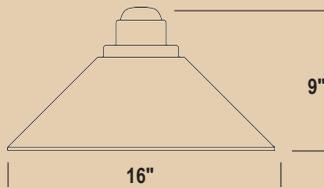


PHC16/49/BLC

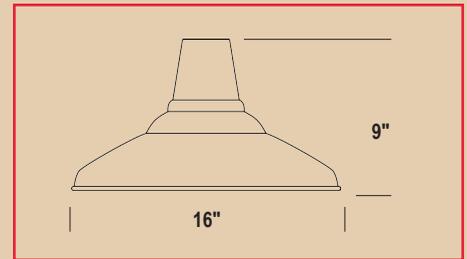


SH16/60/RCHB

PH16

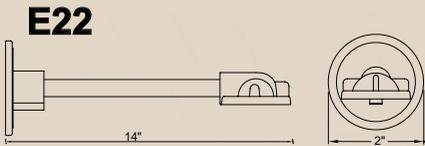
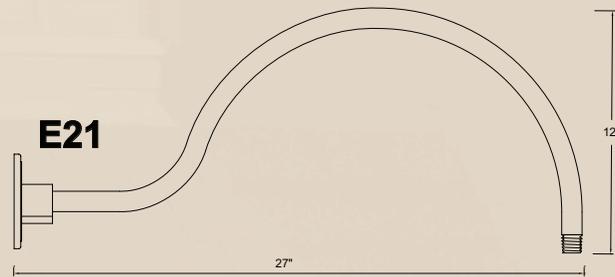
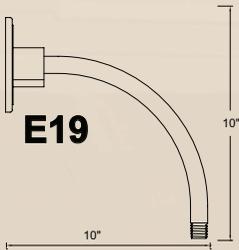
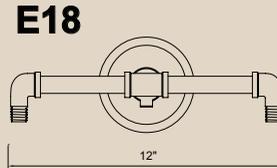
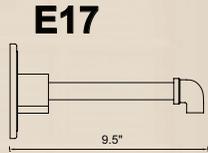
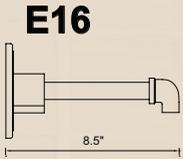
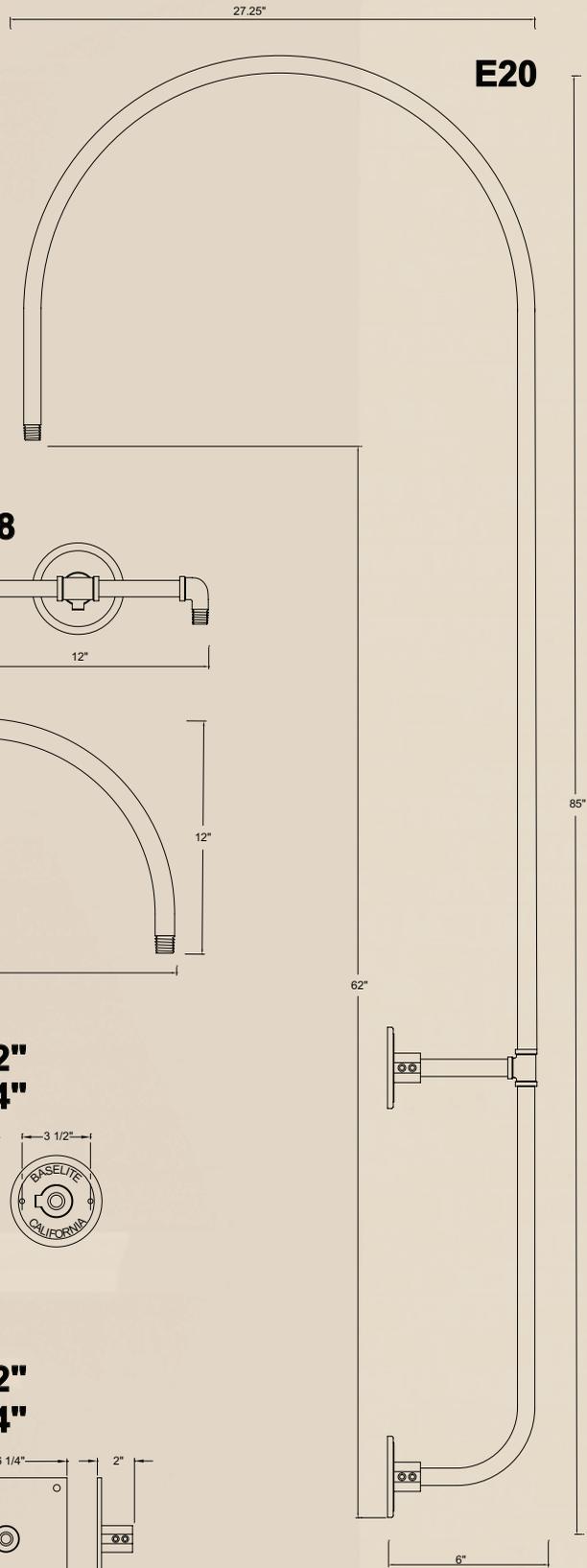
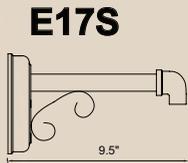
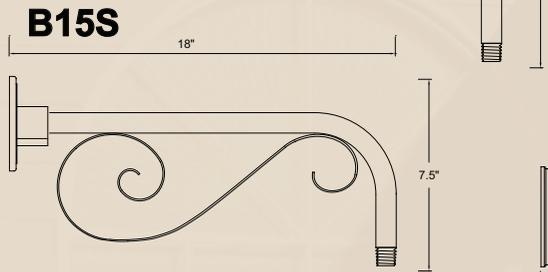
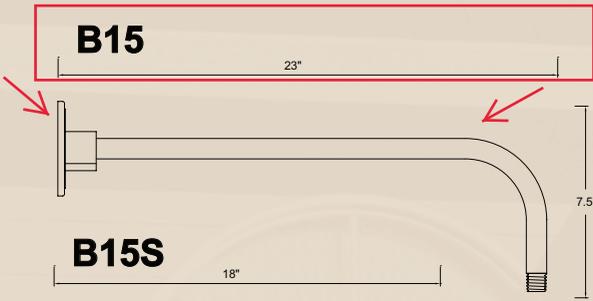


SH16

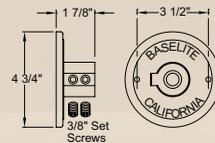


MODEL	COLOR	MOUNTING SOURCE	LIGHT SOURCE				NOTES
			Inc	CF	HID (MH & HPS)	LED	
PH16	40, 41, 42, 43, 44,	Page 55-58 for arm extension	200W	26, 32 or 42W*	35, 50, 70 or 100W**	21W	See page 67 for ACCESSORIES
PHC16	45, 46, 48, 49, 50,	Page 59-63 for post mts. & poles	200W	26, 32 or 42W*	35, 50, 70 or 100W**	21W	
SH16	51, 52, 53, 54, 55,	Page 66 for stems, cords & canopies	200W	26, 32 or 42W*	35, 50, 70 or 100W**	21W	
	57, 58, 59, 60, 61,	Page 66 for cable & chain	USING LED BULB *See page 65 for REMOTE BALLASTS **See page 64 for REMOTE BALLASTS				See page 68 for GLASS OPTIONS
	62, 63, 75, 76, 77,	Page 66 for mounting hubs					
	85, 92						
	20PB (POLISHED BRASS - POWDER COAT)						

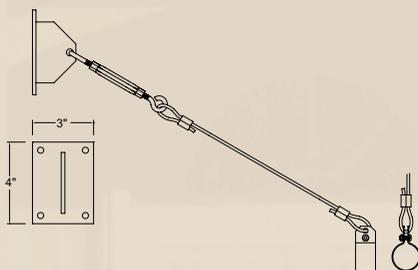
EXTERIOR FRONT



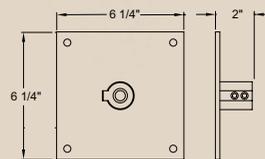
CB 1/2"
CB 3/4"



TRB 1/2" - 4' CABLE
TRB 3/4" - 4' CABLE



SQ 1/2"
SQ 3/4"



Round Cast Backplates are standard with Arm Extensions that mount onto recessed 4" octagonal boxes.

Mounting Options

Cords

• Incandescent max wattage 150 watt. Call factory for higher wattages • Loops, cable and chain available for incandescent and compact fluorescent

CATALOG #	DESCRIPTION
BLC	8' Black cord (includes canopy) INC
WHC	8' White cord (includes canopy) INC



CATALOG #	DESCRIPTION
TCB	8' Black cord, cable and loop
TCHW	8' White cord, cable and loop



CATALOG #	DESCRIPTION
TCHB	8' Black cord, chain and loop
TCHW	8' White cord, chain and loop



CATALOG #	DESCRIPTION
TLB	8' Black telephone cord and cable
TLW	8' White telephone cord and cable



Not available with compact fluorescent or H.I.D

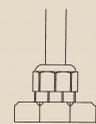
CATALOG #	DESCRIPTION
RCB	8' Black cord, cable and loop
RCW	8' White cord, cable and loop



CATALOG #	DESCRIPTION
RCHB	8' Black cord, chain and loop
RCHW	8' White cord, chain and loop



CATALOG #	DESCRIPTION
FHB	8' Black cord with flat hub



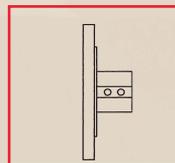
CATALOG #	DESCRIPTION
HBLC	8' Black cord (H.I.D.)
HWHC	8' White cord (H.I.D.)

(Remote ballast shades only)



Backplates

CATALOG #	DESCRIPTION
CB 1/2	Cast aluminum backplate 1/2 NPT
CB 3/4	Cast aluminum backplate 3/4 NPT



CATALOG #	DESCRIPTION
CBC1	1/2" Backplate cover
CBC3	3/4" Backplate cover



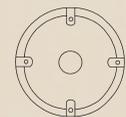
Includes slip ring to hold 1/2" or 3/4" arm extension in place

Canopies

CATALOG #	DESCRIPTION
SLC 1/2"	Slope ceiling canopy 1/2"
SLC 3/4"	Slope ceiling canopy 3/4"

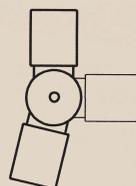


CATALOG #	DESCRIPTION
STC	1/2" Stem mount canopy



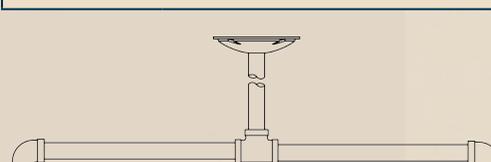
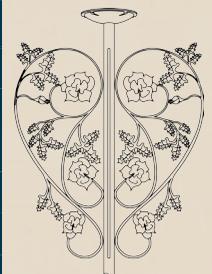
Hubs

CATALOG #	DESCRIPTION
FH 1/2"	Flat hub 1/2"
FH 3/4"	Flat hub 3/4"
SWL	1/2" NPT swivel



Stems

CATALOG #	DESCRIPTION
ST18"	18" stem 1/2" NPT
ST24"	24" stem 1/2" NPT
ST36"	36" stem 1/2" NPT
ST48"	48" stem 1/2" NPT
DP24"	Double Pendant
SC24"	Scroll Stem





Certificate of Appropriateness

The Historic Preservation Commission hereby certifies that the application for:

Name of Applicant: **Artisan Signs and Graphics (Jami Russo)**

Name of Project: **Davidson Wine Company Wall Signage and Lighting**

Address: **121 Depot Street**

is approved for:

New Structure Addition or Expansion Exterior Alteration or Reconstruction Relocation

Demolition Sign(s) Vendor Cart Exterior Lighting Exterior Materials and Color(s)

Other:

This certificate is not a permit. This certificate does not relieve any party of the responsibility of filing for and obtaining all required permits or of following all other applicable codes, ordinances, and regulations. This certificate does not negate any protective covenants or deed restrictions on the property. Any change in the applicant's plans requires the filing of a revised application with the Town of Davidson, NC.

Chair, Historic Preservation Commission

Date April 17, 2019



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Certified Local Government Model Ordinance	4/11/2019	Exhibit

HISTORIC PRESERVATION ORDINANCE

SECTION 1 TITLE

The title of this ordinance shall be the Town of Davidson Historic Preservation Ordinance.

SECTION 2 PURPOSE

Whereas the historical heritage of the Town of Davidson is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160A-400.1 to 400.14) this ordinance is enacted in order to

- a. safeguard the heritage of the Town of Davidson by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- b. promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the Town of Davidson and of the State as a whole.

SECTION 3 HISTORIC PRESERVATION COMMISSION

3.1 Creation and Appointment

Pursuant to general statute 160A-400.7, a historic preservation commission, hereinafter referred to as the "Commission" was created by ordinance in 1989 by the Davidson Board of Commissioners. The Commission shall conform to the following:

- The Commission shall consist of a minimum of seven members who shall be appointed by the Davidson Board of Commissioners.
- Initially appointed terms shall be staggered. Thereafter, the Davidson Board of Commissioners shall appoint members to terms of three years.
- Commissioners shall serve until their successors are appointed.
- All commissioners shall reside within the territorial jurisdiction of the Town of Davidson.

3.2 Qualification of Members

Members of the commission shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

3.3 Rules of Procedure

a. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:

- (1) selection of Commission officers
- (2) time and place of regular meetings, and calling of special meetings
- (3) procedures for conduct of public hearings
- (4) keeping of minutes and Commission records
- (5) conduct of voting
- (6) conflicts of interest policy
- (7) attendance policy
- (8) forms to be used in applying for Certificates of Appropriateness
- (9) sufficient project information to make sound determinations regarding applications for Certificates of Appropriateness
- (10) list of minor works for which Commission staff may issue Certificates of Appropriateness

b. The Commission shall meet at least quarterly. All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).

c. The Commission shall annually present to the Davidson Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

3.4 Powers and Duties

The Commission is hereby empowered to undertake, or to delegate such responsibilities as they deem appropriate to the Charlotte-Mecklenburg Landmarks Commission, such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to

- a.** organizing itself and conducting its business;
- b.** receiving and spending funds appropriated by the Davidson Board of Commissioners for operating and performing its duties;
- c.** conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d.** recommending to the Davidson Board of Commissioners that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as "historic landmarks" and that areas within its zoning jurisdiction be designated as "historic districts;"

- e. recommending to the Davidson Board of Commissioners that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- f. reviewing and acting on proposals for
 - (1) exterior alteration, relocation, or demolition of designated historic landmarks;
 - (2) exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- g. negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h. instituting action, through the Davidson Code Enforcement official or Mecklenburg County Code Enforcement officials, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- i. entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and inventories, or other purposes in performance of its official duties. However, no member, employee, or agent of the Commission shall enter any private building or structure without the express consent of the owner or occupant thereof;
- j. reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
- k. appointing advisory bodies or committees as appropriate;
- l. negotiating with property owners for the acquisition or protection of significant historic properties;
- m. acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the

property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the local governing body shall be acquired in the name of the Town of Davidson unless otherwise provided by that body;

- n. accepting grants of funds from private individuals or organizations for preservation purposes;
- o. conducting educational programs pertaining to historic landmarks or historic districts within its jurisdiction;
- p. publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions, or requirements;
- q. advising property owners about appropriate treatment(s) for characteristics of historic properties;
- r. cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance, including entering into contracts, provided that such contracts are not inconsistent with state or federal law;
- s. preparing and recommending adoption of a preservation element, or elements, as part of the Town of Davidson comprehensive plan;
- t. proposing to the Davidson Board of Commissioners amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the Town of Davidson and its environs.

SECTION 4 INVENTORY

The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

SECTION 5 HISTORIC LANDMARKS

5.1 Adoption of Ordinance of Designation

- a. The Davidson Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall

- (1) list the name or names of the owner or owners of the property;
- (2) describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
- (3) describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
- (4) provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
- (5) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the Davidson Board of Commissioners.

b. The landmark designation process may be initiated by either the Commission (or its designee) or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

5.2 Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission (or its designee) to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

5.3 Procedure for Designation

- a.** The Commission or its designee, the Charlotte-Mecklenburg Landmarks Commission, shall make, or cause to be made, an investigation and designation report which includes
- (1) the name of the property to be designated, including both common and historic names if they can be determined;
 - (2) the name(s) and address(es) of the current owner(s);
 - (3) the location of the property for which designation is proposed, including the street address and Mecklenburg County tax map parcel number or parcel identification;
 - (4) the dates of original construction and of all later additions or alterations, if applicable;
 - (5) an assessment of the significance of the building or site as prescribed by this ordinance;
 - (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
 - (7) a historical discussion of the site or structure within its type, period, and

locality;

- (8) a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
- (9) a map showing the location of the property, including all outbuildings and appurtenant features.

b. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Davidson Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve Davidson Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.

c. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Davidson Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.

d. The Davidson Board of Commissioners shall hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the Davidson Board of Commissioners shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission (or its designee) staff

- (1) shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;
- (2) shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Mecklenburg County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
- (3) shall, if the landmark lies within the zoning jurisdiction of the Town of Davidson, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the town clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to Mecklenburg County Code Enforcement department.
- (4) shall notify the tax assessor of Mecklenburg County of the landmark designation.

g. Upon notification from the Commission, the tax assessor of Mecklenburg County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

h. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision.

SECTION 6 HISTORIC DISTRICTS

6.1 Adoption of Ordinance of Designation

The Davidson Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

6.2 Criteria for Designation

To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

6.3 Procedure for Designation

- a.** The Commission shall make, or cause to be made, an investigation and designation report which includes
 - (1) an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
 - (2) a map clearly indicating the boundaries of the district and the properties, showing their Mecklenburg County tax map parcel numbers, contained therein.

- b.** A district designation report shall be
 - (1) referred to the Davidson Planning Department for review and comment according to procedures set forth in the Davidson Planning ordinance.
 - (2) submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Davidson Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the Davidson Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.

- c.** At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Davidson Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.

- d.** Upon receipt of a recommendation and designation report from the Commission, the Davidson Board of Commissioners shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

6.4 Revisions to Districts

Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 6.1 and 6.2 of this ordinance and as prescribed in Section 6.3.

SECTION 7 CERTIFICATES OF APPROPRIATENESS

7.1 Certificate of Appropriateness Required

- a.** From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or "Certificate") has been granted by the Historic Preservation Commission, or its designee, the Charlotte-Mecklenburg Landmarks Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
- b.** A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
- c.** For the purposes of this ordinance, "exterior features" shall include architectural style, general design, general arrangement, kind, and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
- d.** A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the Mecklenburg County Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.
- e.** In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
- f.** Commission staff may issue a Certificate for minor works as defined in

the Commission's Rules of Procedure. Minor works shall include the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

g. No application for a minor works Certificate shall be denied without deliberation by the Commission.

h. Under this section, the Commission shall institute action, through the Davidson Code Enforcement official or the Mecklenburg County Code Enforcement department, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district.

7.2 Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located districts shall be in harmony with the reasons for designation.

7.3 Certain Changes not Prohibited

Nothing in this ordinance shall be construed to prevent

- a.** the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
- b.** the construction, alteration, relocation, or demolition of any such feature, building, or structure when the Mecklenburg County Director of Code Enforcement certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
- c.** a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
- d.** the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

7.4 Delay of Demolition

- a. Except as provided below, a Certificate authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 3.4.
- b. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
- c. In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the Davidson Board of Commissioners, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission for a period of up to 180 calendar days or until the Davidson Board of Commissioners takes final action on the proposed designation, whichever occurs first. Should the Davidson Board of Commissioners approve the designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180-day delay while designation was pending.

7.5 Demolition through Neglect

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action, through the Davidson Code Enforcement official or the Mecklenburg County Code Enforcement department, to prevent, restrain, correct, or otherwise abate such demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship.

7.6 Applications and Required Procedures

- a.** An application for a Certificate shall be obtained from Commission staff. Applications shall be completed in form and in content and filed with the staff at least ten (10) business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
- b.** The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
- c.** Incomplete applications shall not be accepted.
- d.** Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
- e.** When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
- f.** When considering the application, the Commission shall apply the review guidelines required by Section 7.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
- g.** The Commission shall have ninety (90) calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.
- h.** A Certificate shall be valid for 180 calendar days from date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, such Certificate shall immediately expire and the applicant shall be required to reapply.

- i. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.
- j. An appeal of a final action by the Commission may be made to the Davidson Board of Adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Davidson Board of Adjustment within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by the Davidson Board of Adjustment may be appealed to the superior court of Mecklenburg County.
- k. A Certificate shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).
- l. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the Davidson Board of Commissioners, or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

SECTION 8 CONFLICT WITH OTHER LAWS

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Davidson Board of Commissioners, the more restrictive ordinance or regulation shall govern.